



March 21, 2007

H.R. 137 - The Animal Fighting Prohibition Enforcement Act of 2007

Floor Situation

H.R. 137 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Elton Gallegly (R-CA) on January 4, 2007. H.R. 137 was reported, as amended by the House Committee on the Judiciary, by voice vote, on February 6, 2007.

H.R. 137 is expected to be considered on the floor on March 21, 2007.

**Note: In the 109th Congress, Rep. Mark Green introduced a similar bill (H.R. 817). This legislation was referred to the House Committee on the Judiciary and the House Committee on Agriculture. A Senate companion bill (S.382) was introduced by Sen. John Ensign and passed by unanimous consent on April 29, 2005, but no action was taken on either bill in the House of Representatives during the 109th Congress.*

Summary

H.R. 137 would make buying, selling, or transporting animals for participation in animal fighting ventures a federal crime. Animal fighting ventures is defined as "any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment."

H.R. 137 prohibits any person from using certain forms of "written, wire, radio, television or other form of communication" to promote an animal fighting venture.

H.R. 137 prohibits knowingly buying, selling, transporting, or delivering via interstate or foreign commerce special knives or other sharp objects designed to be worn by animals during fights, and increases the maximum prison sentence for such crimes to three years.

Background

Prohibitions against knowingly selling, buying, transporting, delivering, or receiving an animal via interstate or foreign commerce for animal fighting were added to the Animal Welfare Act in 1976, with misdemeanor penalties of up to \$5,000 in fines and up to one year in prison. In 2002, Congress amended these prohibitions to extend to live birds and increased the maximum fine from \$5,000 to \$15,000 in addition to up to one year in prison.

All 50 states have laws that ban dog fighting and 49 states (all except Louisiana) have laws that ban bird fighting. In Louisiana and the territories where bird fighting is legal, H.R.137 prohibits an individual from sponsoring or exhibiting a bird in a fight, if the bird was knowingly bought, sold, delivered, transported, or received via interstate or foreign commerce.

The Subcommittee on Crime, Terrorism, and Homeland Security held a mark-up of H.R. 137 on February 6, 2007, at which two amendments were proposed to H.R. 137. Rep. Sensenbrenner proposed an amendment that would have made it a federal crime to take a minor across state lines for an abortion to circumvent state parental notification and consent laws; this amendment was ruled non-germane. In addition, Rep. Steve King submitted an amendment to make more general the exception for using animals in hunting, which passed by voice vote.

Cost

The CBO estimates that enacting the bill would not significantly affect federal revenue or spending because the number of cases prosecuted is likely to be small. CBO determined that the measure contains a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA), but that the mandate would be well below the threshold set by UMRA (\$131 million in 2007, adjusted for inflation).

Staff Contact

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